

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:14-CR-00175 AGF (DDN)
	)	
MARK PALMER <i>et. al</i> ,	)	
	)	
Defendant.	)	

**DEFENDANTS' JOINT MOTION FOR EXTENSION OF TIME TO FILE  
MEMORANDUM RESPONDING TO GOVERNMENT'S DISCLOSURE OF  
ARGUABLY SUPPRESSIBLE EVIDENCE**

COME NOW Defendants, by and through their respective undersigned counsel, and hereby move for this Court to extend the deadlines set out in its Order of October 7, 2015 (Doc. 180). In support of their motion, Defendants state as follows:

COME NOW Defendants, by and through their respective undersigned counsel, and hereby move for this Court to extend the deadlines set out in its Order of October 7, 2015 (Doc. 180). In support of their motion, Defendants state as follows:

1. On October 7, 2015 the Court entered an Order required the Government to file a Supplemental Disclosure of Arguably Suppressible Evidence pursuant to Rule 12(b)(4) no later than October 15, 2015. *See* Doc. 180.

2. That same Order of the Court also set an October 30, 2015 deadline for Defendants to file a memorandum indicating whether they accept or disavow the designation of standing asserted by the Government and directed any Defendant who asserts standing to raise issues as to any occurrence listed by the Government in its memorandum where such Defendant has not been designated in the Government's notice as

a person who has standing to maintain such a challenge to file with the Court a memorandum indicating such Defendant's assertion of standing. *Id.*

3. On October 15, 2015 the Government filed its Supplemental Disclosure of Arguably Suppressible Evidence pursuant to Rule 12(b)(4) ("Supplemental Disclosure"). *See Docs. 188, 188-1 and 188-2.*

4. The Supplemental Disclosure updated the Government's previous Disclosure of over 50 arguably suppressible events by adding 19 potentially suppressible events for which evidence was collected during the pendency of the instant case, between September 5, 2014 and June 5, 2015. *See Doc. 188-2.*

5. The Supplemental Disclosure also furnished, and for the first time, the Government's position as to which Defendants may have standing to challenge any of the 50-plus arguably suppressible events listed in its original Rule 12(b)(4) notice. *See Doc. 94-1; compare Doc. 188-1.*

6. Discovery relating to some of the additional evidence set out in Doc. 188-2 is believed to be within Batch 8 of discovery, which upon its disclosure in September was originally to be published to Defendants counsel on the shared Relativity database. Due to considerations of cost, that proved to not be practicable. As a result, Defendants are now in the process of taking turns copying Batch 8 of discovery from two high data volume "Addonics" computer drives that the Government loans out to individual counsel.

7. While Defendants have reviewed a great amount of material from among the previously-disclosed batches of discovery, in order to determine how to respond to the Government's Supplemental Disclosure, Defendants' counsel require more than the 15 days permitted by the Court's October 7 Order, particularly given the requirement of the Court's Order that Defendants' counsel address standing for any event where a given Defendant was

not listed by the Government as a person who may have standing to challenge a given arguably suppressible event.

8. Defendants therefore request thirty additional days to complete review of the underlying discovery that relates to the occurrences in the Government's Supplemental Disclosure, to determine the content of the filings they are to make pursuant to the Court's October 7, 2015 Order and to make such filings. That amount of time necessary to review both additional events the Government described in its Supplemental Disclosure and review the designations of standing that were not included in the Government's original disclosure.

9. Defendants therefore respectfully request that the Court enter its Order granting additional time, to and including November 30, 2015 in which they may file memoranda responding to the Government's Supplemental Disclosure.

10. Defendants likewise request that the Court commensurately amend the deadlines established by its October 7, 2015 Order for the filing of motions to suppress and waivers of pretrial motions and extend such deadlines to January 15, 2016.

11. Undersigned counsel for Defendant Robert Wolfe and Joseph Gabrick have communicated with Assistant U.S. Attorney James Delworth regarding the extensions of time sought by this Motion, and the Government does not object to the relief requested by Defendants being granted by the Court.

WHEREFORE, for the foregoing reasons, Defendants jointly request that the Court grant their motion for as extension of time of thirty (30) days, to and including November 30, 2015, in which to file the memoranda required by the Court's Order of October 7, 2015 and that it further amend that Order and extend the deadline for the filing of motions to suppress and waivers of pretrial motions to January 15, 2016.

Dated: October 30, 2015

Respectfully submitted,

DOWD BENNETT LLP

By: /s/ James E. Crowe, III  
James E. Crowe, III #50031MO  
7733 Forsyth Boulevard, Suite 1900  
St. Louis, Missouri 63105  
Telephone: (314) 889-7300  
Fax: (314) 863-2111  
Email: jcrowe@dowdbennett.com

*Attorney for Defendant Joseph Gabrick*

THE LAW OFFICE OF JASON A. KORNER

By: /s/ Jason A. Korner (with permission)  
Jason A. Korner #58495MO  
7911 Forsyth Blvd. Suite 300  
Clayton, Missouri 63105  
Telephone: (314) 409-2659  
Fax: (314) 863-5335  
Email: jasonkorner@kornerlaw.com

*Attorney for Defendant Samuel Leinicke*

THE MUTRUX LAW FIRM

By: /s/ Tyson Mutrux (with permission)  
Tyson Mutrux #63117MO  
1717 Park Avenue  
St. Louis, Missouri 63104  
Telephone: (314) 270-2273  
Fax: (314) 884-4333  
Email: tyson@mtruxlaw.com

*Attorney for Defendant Mark Palmer*

BOROWIAK LAW FIRM

By: /s/ Zachary J. Borowiak (with permission)  
Zachary J. Borowiak #58855MO  
225 South Meramec, Suite 301  
St. Louis, Missouri 63105  
Telephone: (314) 537-2351  
Fax: (314) 269-1042  
Email: borowiaklaw@gmail.com

*Attorney for Defendant Robert Wolfe*

LUCCO, BROWN, THRELKELD &  
DAWSON

By: /s/ J. William Lucco (with permission)  
J. William Lucco #1701835IL  
Christopher P. Threlkeld #6271483IL  
224 St. Louis Street  
Edwardsville, Illinois 62025  
Telephone: (618) 656-2321  
Fax: (618) 656-2363  
Email: blucco@lbtldlaw.com  
cthrelkeld@lbtldlaw.com

*Attorneys for Defendant Charles Wolfe*

THE LAW OFFICES OF  
SHELBY M. COWLEY

By: /s/ Shelby M. Cowley (with permission)  
Shelby M. Cowley #62819MO  
1717 Park Avenue  
St. Louis, MO 63104  
Telephone: (314) 721-1024  
Fax: (314) 446-4700  
Email: cowley\_shelby@yahoo.com

*Attorney for Defendant Mark Palmer*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 30th day of October, 2015, a true and correct copy of the foregoing was filed with the Court using the CM/ECF system, and service upon all participants in the case who are CM/ECF users will be accomplished by operation of that system.

/s/ James E. Crowe, III